DOCUMENT RESUME

ED 244 860 SO 015 640

AUTHOR Dalton, Dennis
TITLE The Growth of Individual Rights: Ideas and Politics. International Human Rights Syllabi No. 1.
INSTITUTION Columbia Univ., New York, NY. Center for the Study of Human Rights.
PUB DATE Jan 84
NOTE 42p.
PUB TYPE Guides - Classroom Use - Guides (For Teachers) (052)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS *Civil Liberties; Civil Rights; Course Content; Futures (of Society); Higher Education; *Humanism; *Intellectual History; *International Relations; Marxism; Nationalism; Politics; Resource Materials; Undergraduate Study; World History
IDENTIFIERS Latin America; South Africa; United States; USSR

ABSTRACT

Designed for teachers of undergraduate students with some familiarity with political theory, moral philosophy, and social history, this course outline focuses on individual rights and their realization in the United States and the world at large. The syllabus, arranged in 3 major parts, is subdivided into 16 sections that outline major course topics, usually in the form of 2-8 thought provoking questions, and lists required and recommended readings. Part 1 lists questions and resources concerning the growth of human rights in the modern world, the background of human rights in classical thought, the birth of the modern concept of human rights, the spread of human rights in the 19th and 20th centuries, the British doctrine of rights and the Marxist critique, self-determination and human rights, and human rights in international practice. Part 2 lists additional questions and resources about human rights in the U.S.S.R., Latin America, South Africa, and American foreign policy, and later focuses on the rights of women, and social rights in the United States. Finally, questions and resources in part 3 deal with the future of human rights. Over 170 resources, ranging from the works of Karl Marx in 1859, to works published in 1982 are arranged according to the above topical headings. (LH)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

X Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Jane Callaghy

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

ED244860

INTERNATIONAL HUMAN RIGHTS SYLLABI: No. 1

The Growth Of Individual Rights: Ideas and Politics

DENNIS DALTON

SO 015 640

CENTER FOR THE STUDY OF
HUMAN RIGHTS

COLUMBIA UNIVERSITY

INTERNATIONAL HUMAN RIGHTS SYLLABI

No. 1

THE GROWTH OF INDIVIDUAL RIGHTS:

IDEAS AND POLITICS

Dennis Dalton
Professor of Political
Science, Barnard College

Center for the Study of Human Rights
Columbia University

January 1984

© The Trustees of Columbia University

Also being published in the same series:

Introductory Syllabi

1. "The Growth of Individual Rights: Ideas and Politics." Dennis Dalton. January, 1984.
2. "Women and Rights." Leslie Calman.
3. "Religion and Human Rights."

Advanced

4. "International Human Rights: Politics and Law." Louis Henkin et al. July, 1983.
5. "Economic and Social Rights."
6. "Social Welfare, Social Security and Individual Rights." Alfred J. Kahn with participation by Professors Louis Henkin and Robert Lekachman.
7. "Refugees, Migrations and Rights in the Third World." Paula Newberg.
8. "Human Rights in Eastern Europe." Adam Skryba.

PREFACE

This syllabus was prepared by Dennis Dalton, Professor of Political Science at Barnard College, on the basis of an earlier version prepared by Paul Valliere, (now Dean of the College at Butler University). It is designed for undergraduate students with some familiarity with political theory, moral philosophy and social history, seeking a more specialized understanding of individual rights and their realization in the United States and the world at large, and of the international human rights movement. The course draws principally on the disciplines of philosophy, law and political science.

The syllabus is designed for a course of sixteen sessions. The order of items in each of the reading lists corresponds to the suggested topic sequence for the session. Intervening political developments may suggest new case studies to replace one or more included here.

CONTENTS

INTRODUCTION.....xi

SESSION 1 INTRODUCTORY SESSION: HUMAN RIGHTS IN THE MODERN WORLD.....1

PART I
THE GROWTH OF THE IDEA OF HUMAN RIGHTS

SESSION 2 HUMAN RIGHTS IN HISTORICAL PERSPECTIVE: THE BACKGROUND IN CLASSICAL THOUGHT.....5

3 THE BIRTH OF THE MODERN CONCEPT OF HUMAN RIGHTS: ENGLAND, AMERICA AND FRANCE.....7

4 & 5 THE SPREAD OF THE IDEA OF HUMAN RIGHTS IN THE NINETEENTH AND TWENTIETH CENTURIES

— THE BRITISH DOCTRINE OF RIGHTS AND THE MARXIST CRITIQUE.....11

— SELF-DETERMINATION AND HUMAN RIGHTS.....13

6 HUMAN RIGHTS TODAY: THEORY.....15

7 HUMAN RIGHTS TODAY: INTERNATIONAL PRACTICE.....17

PART II
HUMAN RIGHTS IN CONTEMPORARY AFFAIRS

A. PROBLEM AREAS FOR HUMAN RIGHTS

SESSION 8 HUMAN RIGHTS IN THE U.S.S.R.....23

9 HUMAN RIGHTS IN LATIN AMERICA.....25

10 HUMAN RIGHTS IN SOUTH AFRICA.....27

11 AMERICAN FOREIGN POLICY AND HUMAN RIGHTS.....29

B. RIGHTS IN THE CONTEMPORARY UNITED STATES

SESSION 12 RIGHTS: AMERICAN AND HUMAN.....33

13 THE CIVIL RIGHTS STRUGGLE AND THE RIGHT TO DISOBEY.....35

14 THE RIGHTS OF WOMEN.....37

15 SOCIAL RIGHTS IN THE UNITED STATES.....39

C. THE FUTURE OF HUMAN RIGHTS

SESSION 16 THE FUTURE OF HUMAN RIGHTS.....43

INTRODUCTION

The growth of the idea of individual rights is a major development in the Western intellectual tradition. The recent implementation of this concept in the constitutions of many nations as well as in international law and politics marks the process of the universalization of the human rights idea.

The purpose of this course is, first, to trace the historical development of the concept, contrasting it with earlier themes in political and religious thought that emphasized not individual rights but political obligation and order. The gradual evolution of the distinctive emphasis on rights will be examined as it developed within the context of natural law in the Middle Ages, achieving its first clear articulation in seventeenth-century England, and crystallizing in eighteenth-century Europe and America.

Second, the course will consider the development of the concept of rights in the nineteenth century and the impact on it of two different ideologies, Marxism and nationalism. The study will show how these two important strands of thought enlarged the meaning of human rights to include economic and social rights and rights of self-determination for colonized peoples, minorities and other less-privileged groups. The growth of the idea of human rights in the modern age may thus be seen as the result of conflicting concepts, with Marxism and nationalism joining liberalism and utilitarianism in its development.

Finally, the relationship of theory to practice, and the extent to which the growth of the concept has led to realization, will be evaluated in specific political and social contexts in a series of case studies drawn from the U.S.S.R., Latin America, South Africa and the United States.

SESSION 1

INTRODUCTORY SESSION: HUMAN RIGHTS IN THE MODERN WORLD

OUTLINE

What are human rights, and where does the idea of human rights stand today, in theory and practice?

-- Human rights, international law and international organizations: overview of the contemporary meaning of human rights and of the international system for the promotion of human rights.

-- The immediate and more distant origins of the idea (general introduction to the issues to be covered in Part I).

-- Contemporary debates (general introduction to issues to be covered in Part II).

REQUIRED READING

"Universal Declaration of Human Rights." In Basic Documents of Human Rights (second edition) ed. Ian Brownlie. New York: Oxford University Press, 1981. Pages 21-27.

This volume contains useful source material for the entire syllabus, including the principal national and international documents, U.N. or regional.

Henkin, Louis. "Human Rights Above and Beyond Nations." Chapter 3 in The Rights of Man Today. Boulder: Westview Press, 1978.

Robertson, A.H. Human Rights in the World. New York: Humanities Press, 1972.

PART I

THE GROWTH OF THE IDEA OF HUMAN RIGHTS

SESSION 2

HUMAN RIGHTS IN HISTORICAL PERSPECTIVE: THE BACKGROUND IN CLASSICAL THOUGHT

OUTLINE

What concepts in classical thought -- the good society, political citizenship, just conduct, others -- serve those ends to which ideas of human rights were later directed?

Did the stress on political order and obligation, authority and community, serve those ends as well as individual rights do today?

How did the Judeo-Christian religious tradition contribute to the development of a theory of human rights?

What was the meaning of Thomas Aquinas' theory of natural law, and in what way did it serve to prepare the philosophical groundwork for the emergence of human rights doctrine in the modern age?

REQUIRED READING

Plato. "Crito." In The Last Days of Socrates trans. Hugh Tredennick. Harmondworth, England: Penguin, 1954.

St. Thomas Aquinas. The Political Ideas of St. Thomas Aquinas trans. and ed. Dino Bigongiari. New York: Hafner, 1953. Introduction, pages vii-xxxvii and 3-91.

RECOMMENDED READING

Aristotle. Politics. New York: Oxford University Press, 1946. Books I and IIA.

Plato. The Republic trans. F.M. Cornford. New York: Oxford University Press, 1974. Pages 119-235.

von Geirke, Otto. Natural Law and The Theory of Society, 1500-1800. Boston: Beacon Press, 1957. Introduction, pages ix-lvi; sections 1-4, pages 1-2 and 35-92.

Tuck, Richard. Natural Rights Theories: Their Origin and Development. New York: Cambridge University Press, 1979.

Skinner, Quentin. The Foundations of Modern Political Thought. New York: Cambridge University Press, 1978.

Strauss, Leo. Natural Right and History. Chicago: University of Chicago Press, 1953.

OPTIONAL DISCUSSION

How do classical Western ideas compare with those of ancient Asia, specifically India, particularly with regard to the relationship between individual and community?

RECOMMENDED READING

Basham, Arthur Llewellyn. "Some Fundamental Political Ideas of Ancient India." In Politics and Society in India ed. Cyril Henry Philips. London: Allen and Unwin, 1963. Pages 11-23.

deBary, Wm. Theodore, ed. Sources of Indian Tradition (Volume 1). New York: Columbia University Press, 1958. Pages 31-34, 206-241, 253-256 and 271-302.

SESSION 3

THE BIRTH OF THE MODERN CONCEPT OF HUMAN RIGHTS: ENGLAND, AMERICA AND FRANCE

OUTLINE

The shift to an emphasis on rights in seventeenth-century England: rights to life, liberty and property.

Why did an emphasis on rights in political theory occur at this time?

What were the main historical factors that influenced the development of a rights doctrine in Locke?

What forces of change in the eighteenth-century lifted the idea of rights to a political level?

What were the distinctive contributions of Jefferson and Paine?

How did Rousseau's perspective on community, and especially his stress on social equality, contrast with Locke's and Jefferson's emphasis on individual liberty?

What was the thrust of Burke's critique of rights theory?

REQUIRED READING

Locke, John. "The Second Treatise of Government." In Two Treatises of Government. New York: Mentor, 1965. Chapters 2 and 5, especially pages 307-477.

Paine, Thomas. The Rights of Man. Harmondsworth, England: Penguin, 1969.

"The Declaration of Independence." In Documents of Fundamental Human Rights (Volume 1) ed. Zecharia Chafee. New York: Atheneum, 1963.

RECOMMENDED READING

Claude, Richard P. "The Classical Model of Human Rights Development." In Comparative Human Rights ed. Richard P. Claude. Baltimore: Johns Hopkins University Press, 1976.

Macpherson, C.B. The Political Theory of Possessive Individualism: Hobbes to Locke. Oxford: Clarendon Press, 1962.

Cranston, Maurice William. What Are Human Rights? New York: Taplinger, 1973.

Minogue, Kenneth. "The History of the Idea of Human Rights." In The Human Rights Reader ed. Walter Laqueur, and Barry Rubin. Philadelphia: Temple University Press, 1979.

Hart, H.L.A. "Are There Any Natural Rights?" In Human Rights ed. Abraham I. Melden. Belmont, CA: Wadsworth, 1970.

Chafee, Zecharia. "How Rights Got Into the Constitution." In Documents of Fundamental Human Rights (Volume 1) ed. Zecharia Chafee.

"The Constitution of the United States."

Sabine, George. "The Two Democratic Traditions." Philosophical Review 61:4 (1952): 451-474.

Henkin, Louis. The Rights of Man Today. Pages 1-30 and 133-137.

SESSIONS 4&5

THE SPREAD OF THE IDEA OF HUMAN RIGHTS IN THE NINETEENTH AND TWENTIETH CENTURIES

SESSION 4

THE BRITISH DOCTRINE OF RIGHTS AND THE MARXIST CRITIQUE

OUTLINE

The British doctrine of rights by the mid-nineteenth-century:
-- The liberalism of J.S. Mill;
-- The background of utilitarianism

How did Mill's emphasis on individual freedom from social as well as political tyranny advance the theory of human rights? What is the relationship of his theory of liberty to the idea of human rights?

Marx's political philosophy, and his view of the role of economic forces in history, as a critique of the liberal theory of rights.

REQUIRED READING

Bentham, Jeremy. A Bentham Reader ed. Mary Peter Mack. New York: Pegasus, 1969. Pages 73-107.

Mill, John Stuart. On Liberty ed. David Spitz. New York: Norton, 1975. Pages 2-115.

Spitz, David. "Freedom and Individuality." In On Liberty ed. David Spitz.

Marx, Karl. "Manifesto of the Communist Party." In The Marx-Engels Reader (second edition) ed. Richard Tucker. New York: W.W. Norton Co., 1972. Pages 469-500.

Marx, Karl. "Contribution to the Critique of Political Economy, 1859." In The Marx-Engels Reader (second edition) ed. Richard Tucker. Pages 3-6.

Marx, Karl. "The German Ideology." In The Marx-Engels Reader (second edition) ed. Richard Tucker. Pages 146-175.

Marx, Karl. "The British Rule in India." In The Marx-Engels Reader (second edition) ed. Richard Tucker. Pages 653-664.

RECOMMENDED READING

Berlin, Isaiah. "John Stuart Mill and the Ends of Life." In Four Essays on Liberty ed. Isaiah Berlin. New York: Oxford University Press, 1970.

Wolff, Robert Paul. The Poverty of Liberalism. Boston: Beacon Press, 1968. Chapter 1.

Marx, Karl. "The Economic and Philosophic Manuscripts of 1844." In The Marx-Engels Reader ed. Richard Tucker.

Duncan, Graeme. Marx and Mill. New York: Cambridge University Press, 1973.

Laqueur, Walter, and Barry Rubin. "The Marxist Critique." Part V of The Human Rights Reader ed. Walter Laqueur and Barry Rubin.

Haughey, John C. "Individualism and Rights in Karl Marx." In Human Rights in the Americas: The Struggle for Consensus eds. Alfred T. Hennelly, and John Langan. Washington: Georgetown University Press, 1982.

SESSION 5

SELF-DETERMINATION AND HUMAN RIGHTS

OUTLINE

How did the liberal concept of rights fare in political movements of the nineteenth and twentieth centuries?

In what respects was the liberal concept of rights challenged and attacked, refined and reinterpreted, enlarged or undermined, by movements of nationalism and self-determination among colonized or non-Western peoples?

To what extent did liberal or Marxist ideas serve these movements?

How did M.K. Gandhi appeal to and reinterpret the liberal doctrine of rights and what was his particular contribution to the theory and practice of human rights?

Compare the different ways that liberal values found expression in nationalism, self-determination, the growth of national constitutions, and special protection for minorities.

REQUIRED READING

Rudolph, Lloyd, and Susan Rudolph. The Modernity of Tradition: Political Development in India. Chicago: University of Chicago Press, 1970. Part 2, pages 157-249.

Whitaker, Ben. "Minority Rights and Self-Determination." In Human Rights and American Foreign Policy eds. Donald P. Kommers, and Gilburt D. Loescher. Notre Dame: University of Notre Dame Press, 1979.

Frankel, Charles. "Human Rights and Imperialism." In Human Rights: A Symposium. Proceedings of the General Education Seminar, Columbia University 6:1 (1977): 17-27.

RECOMMENDED READING

Bondurant, Joan. Conquest of Violence: The Gandhian Philosophy of Conflict. Berkeley: University of California Press, 1965. Pages 15-145.

Iyer, Raghavan N. The Moral and Political Thought of Mahatma Gandhi. New York: Oxford University Press, 1973. Pages 149-344.

Claude, Inis, Jr. National Minorities: An International Problem. Cambridge: Harvard University Press, 1955.

Gandhi, M.K. All Men Are Brothers. New York: Columbia University Press, 1969.

Dinstein, Yoram. "Collective Human Rights of Peoples and Minorities." International Law Quarterly 25:1 (1976): 102-120.

Buchheit, Lee C. Secession: The Legitimacy of Self-Determination. New Haven: Yale University Press, 1978.

Nanda, Ved P. "Self-Determination Outside the Colonial Context: The Birth of Bangladesh in Retrospect." Houston Journal of International Law 1:2 (1979): 71-93.

Alexander, Yonah, and Robert Friedlander, eds. Self-Determination: National, Regional and Global Dimensions. Boulder: Westview Press, 1980.

SESSION 6

HUMAN RIGHTS TODAY: THEORY

OUTLINE

What is the scope and meaning of the concept of human rights today and what are its philosophical justifications?

How far are rights conceived as universal and in what sense are they seen as relative?

Is there anything approaching a consensus on what constitutes fundamental human rights?

Is there agreement in the world community on certain basic rights, e.g. to be free from torture, apartheid, slavery, genocide, or prolonged arbitrary detention?

Is the nineteenth-century liberal-Marxist controversy over political and economic rights the same as that represented today in a "free world" vs. "socialist" debate over the meaning of rights?

REQUIRED READING

United Nations Documents on Political, Economic and Social Rights. In Basic Documents on Human Rights ed. Ian Brownlie. New York: Oxford University Press, 1981. Pages 3-20 and 28-115.

Sidorsky, David. "Contemporary Reinterpretations of the Concept of Human Rights." In Essays on Human Rights: Contemporary Issues and Jewish Perspectives ed. David Sidorsky. Philadelphia: Jewish Publication Society of America, 1979.

Pollis, Adamantia, and Peter Schwab. "Human Rights: A Western Construct With Limited Applicability." In Human Rights: Cultural and Ideological Perspectives eds. Adamantia Pollis, and Peter Schwab. New York: Praeger, 1979.

Melden, Abraham, and William K. Frankena. "Symposium: The Concept of Universal Human Rights." In Science, Language and Human Rights. Philadelphia: University of Pennsylvania Press, 1952.

Henkin, Louis. "Rights: Here and There." Columbia Law Review 81:8 (1981): 1582-1610.

RECOMMENDED READING

Schwelb, Egon. "Human Rights." In International Encyclopedia of the Social Sciences (Volume 6). New York: Macmillan, 1968-1979. Pages 540-545.

Langan, John. "Defining Human Rights." In Human Rights in the Americas: The Struggle for Consensus eds. Alfred Hennelly, and John Langan.

Shue, Henry. "Human Rights and Correlative Duties." In Human Rights: A Symposium. Proceedings of the General Education Seminar, Columbia University 6:2 (1978): 100-113.

Dworkin, Robert. Taking Rights Seriously. Cambridge: Harvard University Press, 1978. Chapter 12.

Rossi, Philip. "Moral Community, Imagination and Human Rights: Philosophical Considerations on United Traditions." In Human Rights in the Americas: The Struggle for Consensus eds. Alfred Hennelly, and John Langan.

Henkin, Louis. "The Internationalization of Human Rights." In Human Rights: A Symposium (Part I).

Henkin, Louis. "Rights: American and Human." Columbia Law Review 79:3 (1979): 405-425.

deBary, Wm. Theodore. "Cultural Diversity and the Universalization of Human Rights." In Human Rights: A Symposium 6:1 (1977): 28-39.

Kamenka, Eugene, and Alice Erh-Soon Tay, eds. Human Rights. New York: St. Martin's Press, 1978. Pages 1-103.

Berger, Peter L. "Are Human Rights Universal?" Commentary 64 (September 1977): 60-63.

Bystricky, Rudolf. "The Universality of Human Rights in a World of Conflicting Ideologies." In International Protection of Human Rights eds. Asbjorn Eide, and August Schou. New York: Interscience Publishers, 1968.

SESSION 7

HUMAN RIGHTS TODAY: INTERNATIONAL PRACTICE

OUTLINE

How has the idea of human rights been implemented by international organizations?

What has been the contribution of transnational non-governmental organizations?

What are the main dynamics and reasons for the successes and failures of the international human rights movement?

REQUIRED READING

Ramcharan, B.G., ed. Human Rights: Thirty Years After the Universal Declaration. The Hague: Martinus Nijhoff, 1979.

Sohn, Louis B. "A Short History of United Nations Documents on Human Rights." In The United Nations and Human Rights. Eighteenth Report of the Commission to Study the Organization of Peace. Dobbs Ferry, NY: Oceana Publications, 1968.

Robertson, Arthur H. Human Rights in the World. New York: Humanities Press, 1972.

Shestack, Jerome J. "Sisyphus Endures: The International Human Rights NGO." New York Law School Review 24:1 (1978): 89-123.

RECOMMENDED READING

Weissbrodt, David. "The Role of Nongovernmental Organizations in the Implementation of Human Rights." Texas International Law Journal 12:2/3 (1977): 293-320.

Wiseberg, Laurie, and Harry Scoble. "Monitoring Human Rights Violations: The Role of Nongovernmental Organizations." In Human Rights and American Foreign Policy eds. Donald P. Kommers, and Gilburt D. Loescher.

Clark, Roger S. "The International League for Human Rights and South Africa, 1945-1957: The Human Rights NGO as Catalyst in the International Legal Process." Human Rights Quarterly 3:4 (1981): 101-136.

Forsythe, David P. Humanitarian Politics: The International Committee of the Red Cross. Baltimore: Johns Hopkins University Press, 1977. Pages 1-56.

Power, Jonathan. Against Oblivion: Amnesty International's Fight for Human Rights. Glasgow: Fontana, 1981. Pages 13-125, 216-226.

Nanda, Ved P., et. al., eds. Global Human Rights: Public Policies, Comparative Perspectives and NGO Strategies. Boulder: Westview Press, 1981.

Mower, A. Glenn, Jr. "The Implementation of the U.N. Covenant on Civil and Political Rights." Human Rights Journal (1978): 271-296.

Sohn, Louis B. "The Improvement of the U.N. Machinery on Human Rights." International Studies Quarterly 23:2 (1979): 186-215.

REVIEW OF PART I

What concepts from the Western intellectual tradition are especially relevant in tracing the growth of the idea of human rights?

How have conceptions of the just society contributed to the contemporary meaning of human rights?

PART II

HUMAN RIGHTS IN CONTEMPORARY AFFAIRS

A

PROBLEM AREAS FOR HUMAN RIGHTS

SESSION 8

HUMAN RIGHTS IN THE U.S.S.R.

OUTLINE

What claims do Soviet citizens have on their government and what claims does their government make on them?

What human rights does the citizen have:
-- as a member of a national minority?
-- as criminal or victim, critic or dissenter?

Consider the participation of the U.S.S.R. in the international human rights movement, for example, in the U.N. and through the Helsinki Accord.

REQUIRED READING

Halasz, Jozsef, ed. Socialist Concept of Human Rights. Budapest: Akademiai Kiado, 1966. Pages 7-74.

Przetacnik, Franciszek. "The Socialist Concept of Human Rights: Its Philosophical Background and Political Justification." Revue belge de droit international 13:1/2 (1977): 238-278.

Reddaway, Peter B. "Theory and Practice of Human Rights in the Soviet Union." In Human Rights and American Foreign Policy eds. Donald P. Kommers, and Gilburt D. Loescher.

Sakharov, Andrei D. My Country and the World. New York: Knopf, 1975.

Leary, Virginia. "The Implementation of the Human Rights Provisions of the Helsinki Final Act: A Preliminary Assessment." In Human Rights, International Law and the Helsinki Accord ed. Thomas Buergenthal. New York: Universe Books, 1977.

RECOMMENDED READING

Juviler, Peter. Revolutionary Law and Order: Politics and Social Change in the U.S.S.R. New York: Free Press, 1976. Chapter 4.

Juviler, Peter. "Family Reforms on the Road to Communism." In Soviet Policy-Making: Studies of Communism in Transition eds. Peter Juviler, and Henry W. Morton. New York: Praeger, 1967.

Hendel, Samuel. The Soviet Crucible: The Soviet System in Theory and Practice (fourth edition). North Scituate, MA: Duxbury Press, 1973. Chapter 14.

Simes, Dimitri K. "Human Rights and Detente." In The Soviet Threat: Myths and Realities eds. Grayson Kirk, and Nils Wessel. New York: Academy of Political Science, 1978.

Reddaway, Peter. "The Development of Dissent and Opposition." In The Soviet Union Since the Fall of Krushchev eds. Archibald Haworth Brown, and Michael Kaser. London: Macmillan, 1978.

Hazard, John, ed. The Soviet Legal System: Fundamental Principles and Historical Commentary (third edition). Dobbs Ferry, NY: Oceana Publications, 1977. Pages 106-132.

Litvinov, Pavel. "The Human Rights Movement in the Soviet Union." In Essays on Human Rights: Contemporary Issues and Jewish Perspectives ed. David Sidorsky.

Henkin, Louis. The Rights of Man Today. Chapter 2.

SESSION 9

HUMAN RIGHTS IN LATIN AMERICA

OUTLINE

What are the characteristics of the human rights problem in Latin America?

How do Latin American governments reconcile the need for economic development with the claims of individual rights?

How does the program of the Organization of American States on human rights differ from Europe's and what has been its impact on the condition of rights in the region?

What historical and cultural factors explain the human rights problem in Latin American countries?

REQUIRED READING

Crahan, Margaret E. "The Evolution of the Military in Brazil, Chile, Peru, Venezuela and Mexico: Implications for Human Rights." In Human Rights and Basic Needs in the Americas ed. Margaret E. Crahan. Washington, DC: Georgetown University Press, 1982.

Amnesty International. Report of an Amnesty International Mission to Argentina, 6-15 November 1976. London: Amnesty International, 1977.

Buergenthal, Thomas, Robert E. Norris, and Dinah Shelton. Protecting Human Rights in the Americas: Selected Problems. Arlington, VA: N.P. Engel, 1982. Pages 1-33.

Farer, Tom J., and James P. Rowles. "The Inter-American Commission on Human Rights." In International Human Rights Law and Practice ed. James Tuttle. Chicago: American Bar Association, 1978.

United States Department of State. Country Reports on Human Rights Practices. Washington, DC: House Committee on Foreign Affairs and Senate Committee on Foreign Relations. Annually since 1977.

RECOMMENDED READING

Timerman, Jacobo. Prisoner Without a Name, Cell Without a Number. New York: Vintage Books, 1982.

Loveman, Brian, and Thomas M. Davies. The Politics of Anti-Politics: The Military in Latin America. Lincoln: University of Nebraska Press, 1978. Pages 3-37.

Malloy, James M., ed. Authoritarianism and Corporatism in Latin America. Pittsburgh: University of Pittsburgh Press, 1977. Pages 3-87.

Collier, David, ed. The New Authoritarianism in Latin America. Princeton: Princeton University Press, 1979.

Amnesty International. Report on Allegations of Torture in Brazil. London: Amnesty International, 1972. Pages 3-57.

Ray, Philip, and J.S. Taylor. "The Role of Nongovernmental Agencies in Implementing Human Rights in Latin America." Georgia Journal of International and Comparative Law 7 (1977 Supplement): 477-506.

SESSION 10

HUMAN RIGHTS IN SOUTH AFRICA

OUTLINE

What is the justification of the policy of apartheid offered by the government of South Africa?

What is unique or special about institutional and ideological discrimination in South Africa?

What are the nature and scope of these modes of discrimination and what is their effect on daily life?

What has been the effect of the U.N. effort to eliminate racism in South Africa?

How does the effectiveness of action taken by NGOs, such as Amnesty International, compare with their initiatives in Latin America?

REQUIRED READING

Dugard, John. Human Rights and the South African Legal Order. Princeton: Princeton University Press, 1978.

Mathews, Anthony S. Law, Order and Liberty in South Africa. Cape Town: Juta, 1971.

Foreign Policy Study Foundation. South Africa: Time Running Out. Berkeley: University of California Press, 1981. Chapters 3 - 6.

Thompson, Leonard, and Andrew Prior. South African Politics. New Haven: Yale University Press, 1982. Chapter 3.

United Nations Centre Against Apartheid. "International Commission of Inquiry into the Crimes of the Racist and Apartheid Regimes in Southern Africa." Number 1/79, in Documents ed. by the United Nations Centre Against Apartheid. New York: United Nations Centre Against Apartheid, 1979.

United Nations Centre Against Apartheid. "Strategies in the Struggle Against Apartheid." Number 3/79 in Documents ed. by the United Nations Centre Against Apartheid.

United Nations Centre Against Apartheid. "Treatment of Political Prisoners and Detainees in South Africa." Number 4/79 in Documents ed. by the United Nations Centre Against Apartheid.

RECOMMENDED READING

Van Dyke, Vernon. Human Rights, The United States and World Community. New York: Oxford University Press, 1970. Chapter 3, pages 26-51.

Forsyth, C.F., and J.E. Schiller, eds. The Cape Town Conference on Human Rights in South Africa, 22-26 January 1979. Cape Town: Juta, 1979.

Amnesty International. Political Imprisonment in South Africa: An Amnesty International Report. London: Amnesty International, 1978.

Van den Berghe, Pierre L. South Africa, A Study in Conflict. Berkeley: University of California Press, 1970.

Peterson, Robert W., ed. South Africa and Apartheid. New York: Facts on File, 1975.

Benson, Mary. South Africa: The Struggle for a Birthright (revised edition). London: Penguin, 1966.

Roux, Edward. Time Longer Than Rope: A History of the Black Man's Struggle for Freedom in South Africa. Madison: University of Wisconsin Press, 1964.

Schwelb, Egon. "The International Convention on the Elimination of All Forms of Racial Discrimination." International and Comparative Law Quarterly 15 (1966): 1057-1058.

Brown, Douglas. Against the World: Attitudes of White South Africa. Garden City, NY: Doubleday, 1968.

Manning, Charles A.W. "In Defense of Apartheid." Foreign Affairs 43 (1964): 135-149.

Ballinger, R.B. "U.N. Action on Human Rights in South Africa." In The International Protection of Human Rights ed. Evan Luard. New York: Frederick A. Praeger, 1967.

Kuper, Leo. Passive Resistance in South Africa. New Haven: Yale University Press, 1960.

Luthuli, Albert John. Let My People Go. New York: McGraw-Hill, 1962.

Mandela, Nelson. No Easy Walk to Freedom. London: Heinemann, 1965.

Biko, Steven. Black Consciousness in South Africa ed. Millard Arnold. New York: Vintage Books, 1979.

Woods, Donald. Biko. New York: Paddington Books, 1978.

SESSION 11

AMERICAN FOREIGN POLICY AND HUMAN RIGHTS

OUTLINE

In the Report of the National Policy Panel of the United Nations Association of the USA (assigned below), three basic reasons are given for inclusion of human rights objectives in American foreign policy:

1) the objectives "respond to the strongest moral and humanitarian concerns of the American people";

2) the U.S. must observe its "international commitments" incorporated in documents of the U.N. and O.A.S., which make observance "a matter of international concern" and obligation;

3) support for human rights serves best the goal of world peace.

-- Are these credible bases for American foreign policy on human rights?

This report also states that for American foreign policy to be effective in human rights, it must be "as consistent and evenhanded as possible in its responses to human rights violations," and not be invoked "only when convenient or expedient."

-- How closely has the implementation of U.S. policy on human rights adhered to this aim?

REQUIRED READING

Newberg, Paula R., ed. United States Foreign Policy and Human Rights, Principles, Priorities and Practice. New York: UNA-USA, 1979.

Kirkpatrick, Jeanne J. Dictatorships and Democracy. New York: Simon and Schuster, 1982. Pages 7-138.

Moynihan, Daniel P. "The Politics of Human Rights." In The Human Rights Reader eds. Walter Laqueur, and Barry Rubin.

Bundy, William. "Dictatorships and American Foreign Policy." Foreign Affairs 54 (October 1975): 51-60.

Kommers, Donald P., and Gilburt D. Loescher, eds. Human Rights and American Foreign Policy. Part 6, "American Foreign Policy and Human Rights," pages 212-255; Addresses by Jimmy Carter (May 22, 1977), pages 302-308, and Cyrus Vance (April 30, 1977), pages 309-315.

Weissbrodt, David. "Human Rights Legislation and U.S. Foreign Policy." Georgia Journal of International and Comparative Law 7 (1977 -- Supplement): 231-287.

RECOMMENDED READING

Laqueur, Walter, and Barry Rubin, eds. The Human Rights Reader. Part 7, "The Contemporary Debate," pages 267-329. This section includes Jimmy Carter's "Speech on the 30th Anniversary of the Universal Declaration of Human Rights."

Frankel, Charles. "Human Rights and Foreign Policy." Headline Series 241 (October 1978).

Lowenstein, Allard. "The Future of Human Rights in American Foreign Policy." In Human Rights: A Symposium. Proceedings of the General Education Seminar, New York: Columbia University 6:2 (1978): 95-97.

Van Dyke, Vernon. Human Rights, the United States and World Community. Chapter 6, "International Obligations of the U.S. on Human Rights," pages 105-128 and Chapter 7, "Should Additional International Obligations Be Accepted," pages 129-156.

B

RIGHTS IN THE CONTEMPORARY UNITED STATES

SESSION 12

RIGHTS: AMERICAN AND HUMAN

OUTLINE

Louis Henkin, in the article assigned below, examines American rights derived from the Declaration of Independence, and contrasts them with "international human rights."

Concluding that "in respect for equality and economic-social rights," the United States is "below contemporary international standards," in terms of constitutional jurisprudence, do we do better in practice?

REQUIRED READING

Henkin, Louis. "Rights: American and Human." Columbia Law Review 79:3 (1979): 405-425.

Henkin, Louis. "Economic-Social Rights as 'Rights': A United States Perspective." Human Rights Law Journal 2:3/4 (1981): 223-236.

SESSION 13

THE CIVIL RIGHTS STRUGGLE AND THE RIGHT TO DISOBEY

OUTLINE

To what extent has the struggle of black Americans for economic and social rights expanded the theory and practice of human rights in the U.S.?

Has civil disobedience been regarded in America as a legitimate means to attain the ends of economic and social rights, and has this worked?

How does Martin Luther King's movement for civil rights compare with that of M.K. Gandhi?

REQUIRED READING

King, Martin Luther, Jr. Stride Toward Freedom: The Montgomery Story. New York: Harper, 1958.

RECOMMENDED READING

Bay, Christian. "Civil Disobedience: Prerequisite for Democracy in Mass Society." In Civil Disobedience and Violence ed. Jeffrie G. Murphy. Belmont, CA: Wadsworth Publishing Co., 1971.

King, Martin Luther, Jr. "Letter from Birmingham Jail." Chapter 5 in Why We Can't Wait. New York: Harper & Row, 1964.

Oates, Stephen B. Let the Trumpet Sound: The Life of Martin Luther King, Jr. New York: Harper & Row, 1982.

Dworkin, Ronald. Taking Rights Seriously. Chapter 8.

Rawls, John. A Theory of Justice. Cambridge: Harvard University Press, 1971. Chapter 6.

Clairborne, Louis. Race and Law in Britain and the United States. Minority Rights Group Report 22. London, 1974.

King, Martin Luther, Jr. The Trumpet of Conscience. New York: Harper & Row, 1968.

SESSION 14

THE RIGHTS OF WOMEN

OUTLINE

What is the history of discrimination against women in the United States and of feminist movements to overcome this discrimination?

What deprivations of economic rights do women suffer today and what remedies are being sought by women's political movements and others?

Which avenues and means are being pursued to enhance women's rights in the United States and what is the respective effectiveness of the different programs of action?

REQUIRED READING

"NOW Bill of Rights." In Sisterhood is Powerful ed. Robin Morgan. New York: Vintage, 1970.

Ehrlich, Carol. "The Unhappy Marriage of Marxism and Feminism: Can It Be Saved?" In Women and Revolution: A Study of the Unhappy Marriage of Marxism and Feminism ed. Lydia Sargent.

Galey, Margaret E. "Promoting Nondiscrimination Against Women: The U.N. Commission on the Status of Women." International Studies Quarterly 23:2 (1979): 273-302.

MacAllister, Pat, ed. Reweaving the Web of Life: Feminism and Nonviolence. Philadelphia: New Society Publishers, 1982. Pages 231-261.

RECOMMENDED READING

Hartmann, Heidi. "Capitalist Patriarchy and Job Segregation by Sex." In Capitalist Patriarchy and the Case for Socialist Feminism ed. Z.R. Eisenstein. New York: Monthly Review Press, 1979.

Greenberger, Hazel, ed. The Equal Rights Amendment: A Bibliographic Study. Westport, CT: Greenwood Press, 1976.

MacKinnon, Catherine A. Sexual Harassment of Working Women: A Case of Sex Discrimination. New Haven: Yale University Press, 1976.

Amsden, Alice H., ed. The Economics of Women and Work. New York: St. Martin's Press, 1980.

Taubenfeld, Howard J., and Rita F. Taubenfeld. Sex-Based Discrimination: International Law and Organization (five volumes). Dobbs Ferry, NY: Oceana Publications, 1978.

Bunch, Charlotte. "Feminism and Politics." Boston Mobilizer (March/April 1981): 5-9.

Howe, Louise Kapp. Pink Collar Worker: Inside the World of Women's Work. New York: Putnam, 1977.

Freeman, Jo. The Politics of Women's Liberation: A Case Study of an Emerging Social Movement and its Relation to Policy Process. New York: McKay, 1975.

Friedan, Betty. The Feminine Mystique. New York: Norton, 1963.

Flexnor, Eleanor. Century of Struggle: The Women's Rights Movement in the United States. Cambridge: Belknap Press, 1975.

Hole, Judith, and Ellen Levine. Rebirth of Feminism. New York: Quadrangle Books, 1975.

Lederer, Laura, ed. Take Back the Night: Women on Pornography. New York: Morrow, 1980.

Blaxall, Martha, and Barbara Reagan. Women and the Workplace: The Implications of Occupational Segregation. Chicago: University of Chicago Press, 1976.

Amundsen, Kirsten. The Silenced Majority: Women and American Democracy. Englewood Cliffs, NJ: Prentice-Hall, 1971.

SESSION 15

SOCIAL RIGHTS IN THE UNITED STATES

OUTLINE

How do economic and social rights as recognized in the international instruments relate to the American tradition of constitutional rights?

What are the legal, cultural and moral justifications for the development and enlargement of economic and social rights in America?

Do contemporary moral institutions support obligations to supply basic human needs in foreign countries?

REQUIRED READING

Henkin, Louis. "Economic-Social Rights as 'Rights': A United States Perspective." Human Rights Law Journal 2:3/4 (1981): 223-236.

Okin, Susan M. "Liberty and Welfare: Some Issues in Human Rights Theory." In Human Rights (Nomos 23) eds. J. Roland Pennock, and John W. Chapman. New York: New York University Press, 1981.

Beitz, Charles. "Human Rights and Social Justice." In Human Rights and U.S. Foreign Policy: Principles and Applications eds. Peter G. Brown, and Douglas MacLean. Lexington, MA: Lexington Books, 1979.

Ginsberg, Mitchell I., and Leonard Lesser. "Current Developments in Economic and Social Rights: A United States Perspective." Human Rights Law Journal 2:3/4 (1981): 237-256.

RECOMMENDED READING

Aronowitz, Stanley. Food, Shelter and the American Dream. New York: Seabury Press, 1974.

Barry, Brian. The Liberal Theory of Justice. Oxford: Clarendon Press, 1973.

Singer, Peter. "Famine, Affluence and Morality." Philosophy and Public Affairs 1:3 (1972): 229-243.

Marshall, Thomas. The Right to Welfare and Other Essays. New York: Free Press, 1981.

Michelman, F.I. "In Pursuit of Constitutional Welfare Rights: One View of Rawl's Theory of Justice." University of Pennsylvania Law Review 121:5 (1973): 962-1019.

Watson, David. "Welfare Rights and Human Rights." Journal of Social Policy 6:1 (1977): 31-46.

Mencher, Samuel. Poor Law to Poverty Program: Economic Security Policy in Britain and the United States. Pittsburgh: University of Pittsburgh Press, 1967.

Piven, Frances, and Richard Cloward. Regulating the Poor. New York: Random House, 1971.

Harrington, Michael. The Other America: Poverty in the United States. Baltimore: Penguin Books, 1963.

Kramer, Ralph. Participation of the Poor: Comparative Community Case Studies in the War on Poverty. Englewood Cliffs, NJ: Prentice-Hall, 1969.

Levine, Robert A. The Poor Ye Need Not Have With You: Lessons From the War on Poverty. Cambridge: Massachusetts Institute of Technology Press, 1970.

Center for International Policy. The Links Between Basic Needs and Human Rights. Background. Washington, DC: The Center for International Policy, 1978.

C

THE FUTURE OF HUMAN RIGHTS

SESSION 16

THE FUTURE OF HUMAN RIGHTS

OUTLINE

What relationship do theories of justice and rights have to the condition of rights in the contemporary world?

How successful has been the universalization of human rights in theory and practice ?

Are new human rights perspectives modifying the relationship of the individual to society around the world?

Are our current political institutions, both national and international, adequate to ensure human rights in a world of nation-states?

In the United States, how may the theory and practice of human rights be improved?

How does the contemporary feminist critique of rights and its promotion of sharing, caring and cooperation impinge on traditional Western theory?

What are the respective roles of communality, love and rights in the Good (Just) Society?

REQUIRED READING

Henkin, Louis. The Rights of Man Today, Chapter 3, pages 89-132.

Gilligan, Carol. In a Different Voice: Psychological Theory and Women's Development. Cambridge: Harvard University Press, 1982. Pages 1-63 and 128-174.

RECOMMENDED READING

Gaylin, Willard. Doing Good: The Limits to Benevolence. New York: Pantheon Books, 1978.

MacAlister, Pam, ed. Reweaving the Web of Life: Feminism and Nonviolence. Philadelphia: New Society Publishers, 1982.